

**BOARD OF DIETITIAN/NUTRITIONIST EXAMINERS
MINUTES**

DATE: March 5, 2009

TIME: 10:00 a.m. C.D.T

LOCATION: 227 French Landing
Heritage Place, Metro Center
Ground Floor, Poplar Conference Room
Nashville, TN 37243

MEMBERS PRESENT: Demetra Pratt, D/N, Chair
Liang-chu K. Daniel, D/N
Gwendolyn Blackman, D/N
Janet Skates, D/N
Georgina M. Awipi, D/N

MEMBERS ABSENT: Carol Miller, Consumer Member

STAFF PRESENT: Marva Swann, Board Director
Tomica Walker, Board Administrator
Lucy Bond, Assistant General Counsel
Juanita Stone, BIV Disciplinary Coordinator
Libby Miller, HRB Director

GUEST: John Williams, Tennessee Dietetic Association

With a quorum being present, Ms. Pratt called the meeting to order at 10:10 a. m.

Conflict Of Interest

Ms. Bond instructed Board members of their responsibilities under the Conflict of Interest Policy.

Office of General Counsel Report

Ms. Bond presented the following OGC Report:

Rules

There are currently no rules and regulations pertaining to the Board of Dietitian/Nutritionist Examiners open at the Office of General Counsel.

Minutes

Ms. Skates made a motion seconded by Ms. Blackman to approve the minutes of September 18, 2008 as amended. The motion carried.

Investigative And Disciplinary Reports

Juanita Stone presented the Board's investigative and disciplinary reports. There were three open complaints at the end of calendar year 2008. Two new complaints were received in January 2009 making five complaints that are currently open.

There are no dietitian/nutritionists being monitored for disciplinary action at this time.

The Board requested that they be given more clarification on cases and where each case is in the process of investigation.

Agreed Citation

Ms. Bond presented an Agreed Citation on dietitian/nutritionist Alicia K. Mandel. Ms. Mandel failed to renew her license while continuing to practice as a dietitian/nutritionist in violation of Tenn. Code Ann. § 63-25-104. Ms. Mandel has agreed to pay a civil penalty in the amount of five hundred and fifty dollars (\$550.00) representing a penalty of fifty dollars (\$50.00) per month for every month in excess of three months from the expiration date of her license. After discussion, Dr. Awipi made a motion seconded by Ms. Skates to accept the Agreed Citation. The motion carried.

Board Policies

Ms. Bond presented a draft of the Board's Lapsed License Policy. Ms. Daniel made a motion seconded by Dr. Awipi to approve the policy as written. The motion carried. (Policy Attached)

Ms. Bond presented a draft of the policy regarding what constitutes an equivalent course of study approved by the Board to be licensed as a dietitian/nutritionist in the State of Tennessee. Ms. Blackman made a motion seconded by Ms. Daniel to approve the policy as amended. The motion carried. (Policy Attached)

Applicant File Review

Amy Jewell—Ms. Jewell appeared before the Board due to a conviction. She is currently working as a dietitian/nutritionist in South Carolina and is seeking licensure in Tennessee by reciprocity. After interview and discussion, Dr. Awipi made a motion seconded by Ms. Blackman to approve Ms. Jewell for a license. The motion carried.

Marci Lodor—The Board reviewed Ms. Lodor's application for initial licensure due to her having fingerprints that are unreadable. The Tennessee Bureau of Investigation has submitted a letter verifying that her fingerprints cannot be read and that a name-based search was done showing no

adverse information on file for Ms. Lodor. After discussion, Ms. Daniel made a motion seconded by Ms. Skates to accept the name- based criminal background search and approve Ms. Lodor for licensure. The motion carried.

Keely Sandlin—the Board reviewed Ms. Sandlin’s application due to a conviction. After discussion, Ms. Daniel made a motion seconded by Dr. Awipi to approve Ms. Sandlin for a license.

Ratifications

Ms. Skates made a motion seconded by Ms. Daniel to approve the following lists of new licenses and reinstated licenses. The motion carried.

NEW LICENSES

KARIN FINKEL ADLER
KEENA JILL ANDREWS
REBEKAH ANNE ASKINS
MARGARET A. BECK
JESSICA ANN BENNETT
ASHLEY ROBESON BEZIAT
JACLYN MARIE BOOTH
DONNA M BROCATO
KATHARINE ELIZABETH
BROSNAN
JESSICA MARIE BROYLES
MARIE ELIZABETH BRUNET
LESLIE ANNE BURCHELL
KATHERINE WHELAN CABRERA
DONNA JO CAVIL
MELISSA KAE COBB
TRACY ANN COFFEY
JENNY LYNN COOPER
JAMES E CRAWFORD
ANNE NEBERGALL DAVIS
APRIL TURNER DODD
PAMELA A DUNCAN
JANET GAIL ESTELLE
ROCHELLE HOENIG FENTON
AMY TAYLOR FLEURY
MARY KAITLIN FOWLKES
LAURA MICHELL GIRSCH
JENNIFER LYNN GORE
MIREILLE HAMDAN
LAURA ELIZABETH HARRIS
MARY JANE HEDGES
STEPHANIE LOWE HERBERT
REBECCA MICHELLE HIRST
KRISTIE BASSFIELD HOLT
KATHERINE JONES IRWIN

JULIE LYNN JEFFREY
TAMMY CIACCIO KINGERY
GWENDOLYN KNIGHT KOSSICK
CYNTHIA GIRARO LEHMAN
MOLLIE AVANAH MOTT MAHAN
ANN COLLEEN MARIE
MICHELLE MARIE MASSEY
ADRIENNE R MIRIANI
MISTY MICHELE NEAL
JENNIFER CLAIRE NICKLAS
MARTHA HOWELL NOBLE
EXA FREULER OGDEN
JILL NOEL OSTENDORF
MARI-ETTA MAHAFFEY PARRISH
MEGAN ROSE PLATO
ASHLEY COAST PORTER
GINGER ANN ROBBINS
MEGAN MARIE ROTH
ALENA MARIE SCHEIDWEILER
DIANA ERICKSON SMITH
SAMMI BETH SNODGRASS
STEPHANIE QUALLS SPAIN
SUSAN JEANINE STEPHENS
WHITNEY BLAIR STEVENS
MICHELLE LYNN STREET
DAVID FOX TALLEY
WHITNEY ANGEL THORNTON
HEATHER NEAL WANKE
KRISTIN LESLIE WARREM
AMY DENICE WEBB
STACY DAWN WHITTINGTON
ANTHONY VINCENT WILSON
ELIZABETH PRUITT WISE

REINSTATEMENTS

ANNA LAURA BRASHER
TAMARA CARR-SHAVER
LINDI BETH CHAPMAN
JUDITH ELAINE MARIE GIFFORD
CRISTIE STEWART WELLS

AMI BETH HANCOCK
ANNA KATHLEEN HICKS
DEANNA A RAGSDALE-LAWLOR
NAOMI RUTH SWIFT

Administrator's Report

Ms. Walker presented the board's administrative report:

- 1283 active licenses

Board activity from August 31, 2008 thru February 28, 2008

- New licenses—67
- Retired licenses—5
- Reinstated licenses—6
- Renewals—289
- Failed to renew—25

The Board requested that they be given the number of days it takes to process applications for licensure.

Board Members

There are currently no vacancies.

Newsletter

Ms. Walker presented to the Board a copy of its fall newsletter.

Financial Report

The Board operated at a deficit for FY 2008. Ms. Swann presented a chart as to how income could be generated by an increase in licensure fees of various increments. The Board would like to look at ways to cut costs as opposed to increasing fees. The Board requested more information to explain the variances given the increase in the expenses while the services remain flat.

Fingerprints for Criminal Background Checks

Pursuant to the Department of Health's policy, all applicants who reside in the State of Tennessee must have their fingerprints scanned electronically for a criminal background check at a Cogent facility. Without the Department's knowledge, the Tennessee Bureau of Investigation

had been initiating a name based background search when the scanned fingerprints sent to them by Cogent were unreadable. As a result, two dietitian/nutritionist applicants were licensed by a name-based search rather than by an electronic scan of their fingerprints. This search did not reveal any negative findings on these applicants. After discussion, Dr. Awipi made a motion seconded by Ms. Blackman to accept the name based search on these applicants. The motion carried

The TBI has since revised its policy to adhere to the Department's policy when processing fingerprints on applicants for health care professions; however, there are times when an individual's fingerprints are unreadable for reasons such as the age of the person, occupations working with chemicals, bricks, sewing, etc. When this occurs, the Tennessee Bureau of Investigation provides a name- based search for the individual and will submit on the applicant's behalf a letter of explanation, a copy of which was presented for the Board's review.

Ms. Skates made a motion seconded by Dr. Awipi to accept a name- based search when an individual's fingerprints are unreadable and this fact has been verified in writing by the TBI. The motion carried. Ms. Bond will draft a policy.

Election of Officers

The Board elected Demetra Pratt as Chair and Janet Skates as Secretary.

2010 Board Meeting Dates

March 18, 2010

September 16, 2010

Adjournment

With there being no further business, the meeting was adjourned a 1:35 p.m.

These minutes were ratified at the September 17, 2009 meeting.

Policy Statement
Policy: Lapsed License

The Board of Dietitian/Nutritionist Examiners recognizes that an individual may inadvertently allow his/her license to expire. However, the statute prohibits an individual from working as a Dietitian/Nutritionist unless he/she has an active and unrestricted license. While the Board does not condone an individual working on an expired license, recognition is given to the fact that the problem does exist. As such, the Board has adopted the following procedures for reinstatement of an expired or administratively revoked license.

- Immediately upon recognition that his/her license has expired, the individual must stop practicing and contact the Board's administrative office to request a reinstatement application.
- Upon receipt of the reinstatement application, the individuals are to complete the application in its entirety, providing a detailed work history since the license expiration date. The application is to be signed, notarized, and returned to the Board's administrative office along with any additional information and all fees specified in the instructions.
- Upon receipt of a completed reinstatement application, supporting documentation, including continuing education, and fees the Board administrator may immediately reinstate a license, which has been in an expired status for less than three months.
- If the reinstatement application received reflects in the work history that the individual has worked in excess of three months on an expired license, the Board will present to the licensee, official notice which specifies payment of a civil penalty in the amount of \$50.00 per month for every month in excess of three months from the expiration date. Practice with an expired status lasting more than one licensure renewal cycle will result in the application for reinstatement being referred to the Officer of Investigations.
- Discipline for practicing on a lapsed license will be assessed by the Department by Agreed Citation, which will detail the licensee's rights and obligations under the Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et seq. the discipline assessed in accordance with the Lapsed License Policy constitutes formal discipline against a practitioner's license, and as such it is reportable to the disciplinary databanks and will be noted on the practitioner's licensure profile.

Adopted by the Board of Dietitian/Nutritionist Examiners of the 21st day of March 2002, and amended March 5, 2009.

For further information, please use the contact information provided below:

Board of Dietitian/Nutritionist Examiners
Local (Nashville Calling Area) 615-532-5096
Nationwide (toll free) 1-800-778-4123 Ext. 25096

Tennessee Board of Dietitian/Nutritionist Examiners
227 French Landing, Suite 300
Heritage Place, Metro Center
Nashville, TN 37243

Policy Statement
Board of Dietitian/Nutritionist Examiners
May 2009

The State of Tennessee has delegated the duty and responsibility of licensing dietitians and nutritionists to the Board of Dietitian/Nutritionist Examiners. It takes this responsibility seriously and must function in a manner as to promote and protect the public's health, safety and welfare. As such, the Board has responsibility to promulgate rules and regulations delineating requirements for licensure and to interpret its practice act found at Tenn. Code Ann. § 63-25-101, *et seq.*

Pursuant to Tenn. Code Ann. § 63-25-108(2), each applicant for licensure as a dietitian/nutritionist shall submit proof that he/she:

Has received a baccalaureate or post-baccalaureate degree from a regionally accredited college or university that provides a major course of study in human nutrition, food and nutrition, dietetics, or food systems management, or **an equivalent course of study approved by the board.**
[Emphasis added.]

This Board hereby declares that evidence verifying that an individual has already passed the Commission on Dietetic Registration ("CDR") of the American Dietetic Association's registration examination and holds current CDR certification is considered to be equivalent to completion of a "course of study approved by the Board." Thus, an individual submitting verification of such is deemed to have met the education requirements set forth for licensure in Tenn. Code. Ann. § 63-25-108(2).

Adopted by the Board of Dietitian/Nutritionist Examiners on March 5, 2009.